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Civilian Personnel
LEAVE AND ABSENCE

Further supplementation of this regulation is prohibited
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CHAPTER 1
GENERAL PROVISIONS

1-1. Purpose. This regulation prescribes policies and procedures for all supervisors and civilian employees paid from appropriated funds. It tells how much leave employees earn, when, and under what conditions employees are granted annual leave, sick leave, leave without pay, and other specialized forms of leave and absence. This regulation tells how to determine if a special type of absence is charged to leave, excused without charge to leave, or considered official duty.

1-2. Applicability. This regulation is applicable to all employees who are paid from appropriated funds except intermittent employees for whom there has not been established a regular tour of duty in each administrative workweek, who are under the jurisdiction of the Commanding General, U.S. Army Field Artillery Center and Fort Sill, and to civilian employees and their military/civilian supervisors of activities serviced by the Fort Sill Directorate of Civilian Personnel, unless otherwise specified in applicable servicing agreements.

1-3. Policy. Annual leave is an important and significant benefit for all employees. There is a mutual employee-management responsibility to plan and schedule the use of annual leave throughout the year. The scheduling of leave is so important that by law it is a prerequisite to the restoration of annual leave that may be forfeited because of exigencies of the service or because of sickness. Managers must administer leave and excused absences on a uniform and equitable basis within the scope of applicable laws and regulations. They must base their decisions to deny leave requests and cancel approved leave on the necessity for the employee's services. In granting leave, managers must consider the needs of the Army and the welfare of the employee. Normally, authority to approve, deny, or cancel leave is delegated to the lowest supervisory level having personal knowledge of the work requirements and of the employee's leave record. It is good practice to designate a primary and an alternate approving authority. In some instances, approval of leave requests is mandated by statute, executive order, or negotiated agreement. In other instances, approval of leave requests is a discretionary matter. When the day-to-day recording of leave usage or certification of FS Form 962 (Time and Attendance Form) is assigned to a time and attendance clerk, it is essential that the approving authority be advised when a problem or questionable situation arises and that he or she assumes responsibility for any necessary action. Normally, denial of a leave request or cancellation of approved leave needs to be based on the necessity for the employee's services. Leave must not be denied or canceled for arbitrary or capricious reasons. Denial or cancellation of leave is not disciplinary in character and should not be used as a punitive measure.

1-4. Responsibilities of Commanders, Supervisors, and Employees.

Director, Civilian Personnel, is responsible for-

- (1) Developing and disseminating guidance on statutory and regulatory requirements and management policy decisions.
- (2) Providing advice and assistance to all levels of management concerning leave administration.
- (3) Resolving questions and disputes equitably in accordance with the needs of the service and statutory and regulatory requirements.
- (4) Interpreting leave statutes, policies, and regulations and advising managers and employees accordingly.
- (5) Furnishing the office of civilian pay, Finance and Accounting Office, with employees' service computation dates for the purpose of establishing leave earnings categories.

(6) Informing employees and managers of changes in statutes, leave regulations, policies, and practices as appropriate.

(7) Providing technical assistance to employees and managers in disciplinary and administrative actions related to leave and absence.

b. Finance and Accounting Officer is functionally responsible for furnishing instructions and guidance to administrative officials and timekeepers in areas of--

(1) Timekeeping and leave recording

(2) Assigning employees to the appropriate leave earnings category on the basis of service computation dates furnished by the Directorate of Civilian Personnel.

(3) Advising employees of their annual leave earnings rate and changes thereto.

(4) Determining employees' lump-sum payments for accumulated and accrued leave upon separation.

(5) General administration of statutes, regulations, and policies in the area of absence and leave.

c. Major Subordinate Commanders, Directors, and Heads of Special Staff will establish appropriate internal administrative procedures for requesting and receiving approval of leave, and specify those supervisory levels authorized to approve leave.

Supervisors authorized to approve leave will--

(1) Administer the leave rules, regulations and procedures in accordance with established policies and balancing the needs of both the service and employees.

(2) Ensure that all employees under their supervision are informed of the procedure they must follow in requesting and using leave.

(3) Ensure that all absences from duty are appropriately charged according to applicable laws and regulations.

(4) Establish a leave schedule by 1 April of each year and reverify it not later than 30 August ensure that all employees are given a reasonable opportunity for a vacation and to avoid forfeiture of leave and compensatory time.

(5) Approve annual leave requests when work schedules permit. When a request for annual leave cannot be initially approved or is subsequently denied make every effort to reschedule the annual leave commensurate with the needs of the organization and the desires of the employees.

(6) With advice and assistance from the Directorate of Civilian Personnel, respond as soon as possible to each employee's leave requests, including leave without pay and advance.

(7) Establish procedures for identifying and correcting leave abuse

(8) Comply with all requirements for documenting and scheduling restored forfeited annual leave.

Employees are responsible

(1) Requesting and securing approval of annual leave and sick leave as far in advance as possible. When approval cannot be obtained in advance (e.g., in emergencies), the employee will notify his or her supervisor and request

approval for the absence as early as practicable on the first day of absence and not later than two hours after reporting time. Under extreme mitigating circumstances, employees may notify the supervisor or other designated officials prior to the end of the duty day.

(2) Using leave for its intended purpose

(3) Keeping the supervisor informed of the nature and duration of any absence, and providing required documentation concerning absences and anticipated return to duty.

(4) Ensuring that leave taken is properly reported to the timekeeper.

(5) Monitoring their own leave balance and leave schedule in cooperation with their supervisor to avoid forfeiture of annual leave and compensatory time.

(6) Bringing errors in reported leave balances to the attention of the supervisor or timekeeper as appropriate.

f. Although taking some type of leave (e.g., sick leave for medical treatment of disabled veterans; LWOP while receiving worker's compensation benefits) is an employee's right, nothing in this regulation relieves the employee of the responsibility for properly requesting leave and documenting absences, as required by this regulation or other directives from his or her supervisor.

1-5. Mandatory Approval of Leave Requests. There are circumstances in which the approval of a leave request is mandatory. This mandatory requirement for granting leave in the following situations is based upon the assumption that the employee has followed proper leave procedures and has provided documentation acceptable to the supervisor.

a. **Treatment of Disabled Veterans.** Executive Order 5396, 17 July 1930, requires that such annual, sick leave, or leave without pay (LWOP) as is necessary for medical treatment of a disabled veteran shall be granted upon the employee's request and presentation of an official statement from a medical authority that such treatment is required. FPM Supplement 990-2, Book 630, SI-4, further extends the situations in which a leave of absence must be authorized for a disabled veteran to include examinations and absences from duty in connection with disability.

b. **Military Service.** An employee who is a member of a reserve component or the National Guard (other than an intermittent employee or a temporary employee appointed for less than one year (54 Comp. Gen. 999)) must, upon request, be granted military leave to which he or she is entitled for performance of active duty or active duty for training (5 U.S.C. 6323). If a full-time or part-time employee (other than a temporary appointee) who is a member of the Reserves or National Guard is not entitled to, does not request, or has exhausted his or her military leave, he or she must be granted annual leave or leave without pay, as requested, for performance of active or inactive duty (38 U.S.C. 2024 (d)), except that if the member is ordered to an initial period of active duty for training of not less than three consecutive months (38 U.S.C. 2024(c)), the employer has the option of granting annual leave, or leave without pay, or of separation or furloughing the employee (5 CFR 353.104). However, if any employee (except a temporary employee) is to continue on active duty for an extended period (usually more than 1 year) (38 U.S.C. 2021 or 2024 (a) or (b)) he or she, after exhausting any requested military leave to which entitled, must be separated or furloughed (5 CFR 353.104) since the employee's entitlements, if eligible for restoration, will be the same as if continued in a leave status. A temporary employee (appointed for less than 1 year) may be granted annual leave or leave without pay for performance of active or inactive duty.

c. **Pending Retirement.** After the activity has made a preliminary determination that the employee meets requirements for disability retirement and OPM is processing the employee's application, the activity is encouraged to retain the employee in a work status to the extent that the employee is able to

render useful and efficient service. The activity may temporarily assign the employee to limited duties, detail the employee to another position, or arrange a temporary change in the hours the employee is on duty (e.g., a combined schedule of work and leave). If the applicant cannot be retained in a duty status (or if the employee applies for optional or discontinued service retirement while incapacitated due to illness or injury), the employee must be granted such unused sick leave, as he or she requests, only if the employee submits evidence which supports a determination that he or she is incapacitated for performance of the duties of his or her position and only for the period during which he or she remains incapacitated as supported by acceptable evidence (d below).

d. Other Illness, Injury, or Pregnancy. An employee is entitled to use accrued and accumulated sick leave when he or she is incapacitated by illness, injury, or pregnancy; is receiving emergency medical, dental or optical examination or treatment; or would jeopardize the health of others because of exposure to a contagious disease. A handicapped employee who depends on an aid such as a Seeing Eye dog, a wheelchair, or any other prosthetic device, may be considered an extension of the person and the granting of sick leave for such purposes as training, replacement, or repair is appropriate under the same conditions as any other incapacitation. The supervisor may require the employee to furnish reasonable evidence in order to grant approval of leave.

e. Employee Compensation. An employee is entitled to use any accrued and accumulated sick leave to his or her credit when he or she suffers a work-related injury or illness, as provided in d above for any illness or injury. While the employee is awaiting adjudication of a claim for compensation by the office of worker's compensation programs, he or she is entitled to use available sick or annual leave, or LWOP as requested. Once entitlements to compensation payments have been awarded and the employee has either exhausted, or chosen not to use available sick leave, the employee must be granted LWOP. Under normal conditions, the employee is to be retained on the activity's rolls in a LWOP status for at least 1 year.

1-6. References. Required and related references and forms are listed in appendix A of this regulation.

1-7. Explanation of Terms. Special terms and their definitions as applied in this regulation are explained in the glossary located at appendix B.

1-8. Charges to Leave.

a. The minimum charge for either annual or sick leave is 1 hour; additional leave is charged in multiples of 1 hour. (Absences on different days are not combined.) Absence in a nonpay status (LWOP or AWOL) is charged in multiples of 15 minutes for the actual time absent. Leave is charged on those days the employee would otherwise work and receive pay. Leave is not charged for an absence on holidays or other nonwork days except when certain employees are paid additional compensation for standby duty. If an employee is unavoidably absent or tardy for less than 1 hour for a reason that is acceptable to the supervisor, he or she may be excused without charge to leave. On the other hand, the supervisor may decide not to excuse the absence and may charge the employee AWOL or allow the employee to take leave. When an employee is charged with leave for an unauthorized absence or tardiness, the supervisor may not require the individual to perform work for any part of the leave period charged against the leave account.

b. If circumstances warrant, the supervisor can change the charge from AWOL to annual leave, sick leave, or LWOP.

c. If an employee is on a compressed work schedule and takes 1 day of annual leave, sick leave, compensatory time, or is charged AWOL for a day within the employee's scheduled tour of duty, the employee is charged the number of hours of the compressed work schedule for that day (e.g., an employee is on a 4-day workweek, four 10-hour days, who takes 1 day of annual leave will be charged for 10 hours of leave).

1-9. Recording Leave.

a. Regardless of the type of written request or application for leave which is required, the recording of an absence in an approved category on an official time or attendance record upon which salary payments are made reflects supervisory approval of the absence. When leave has been requested, approved, and used by an employee, retroactive substitution of one category of leave for another category may only be made under conditions of law or regulation which permits a change in statutory rights (e.g., an employee on approved annual leave becomes ill and upon return to duty requests substitution of sick leave for annual leave (38 Comp. Gen. 354 and 5 CFR 630.405)). An exception to this rule is the situation where it is subsequently established that the employee submitted fraudulent documentation or misrepresented either the time taken or the reason for the absence. If an employee is absent without leave having been approved, it is appropriate that the time be recorded as absent without leave (AWOL). Later, the absence may be changed to an approved leave category if the approving authority determines that extenuating circumstances were such that the absence was improperly charged as AWOL.

b. When an employee has insufficient annual leave available to cover an approved annual leave charge reported on FS Form 962 (Time and Attendance Form), the excess absence is charged first to compensatory time, if any, and then to LWOP. When an employee has insufficient sick leave to cover an approved sick leave charge (and unless the employee specifically requests that the absence be charged to restored annual leave), the civilian pay system will automatically charge the excess first to any earned annual leave, second to compensatory time, if any, (unless the supervisor approves use of the compensatory time first), and then to LWOP. If an advance of sick leave is approved later, it may be substituted for the leave initially charged. If the approving supervisor does not approve any or all of a period of absence, he or she annotates the FS Form 962 to show AWOL.

1-10. General Provisions Relating to Approval of Annual and Sick Leave.

a. An employee serving under appointment with a definite time limitation cannot be granted more leave than that amount that can be earned and credited before the appointment expires. Employees whose appointments are 90 calendar days or more may use annual leave during the first 90 days of employment. If a appointment is for less than 90 calendar days, an employee is not entitled to annual leave unless they remain employed for a continuous period of 90 days under successive appointments without a break in service. If an employee has a series of successive appointments without a break in service of 1 day or more, which then exceeds 90 days, he or she is credited with annual leave which would have accrued from the date of initial appointment.

b. If an employee whose leave record is being transferred from another Army activity or another Federal agency must take leave before the official leave record is received, the civilian pay officer determines whether the employee has enough leave available to cover the absence. The leave balances on the last earnings and leave statement are acceptable evidence. If necessary, the civilian payroll officer will request the employee's leave balance by telephone or message. If it is not possible to make such a determination, the civilian payroll officer is authorized to accept the employee's personal certification as to the amount of leave to his or her credit, pending receipt of the SF 1150 (Record of Leave Data).

1-11. General Policy Relating to Excused Absences. There are numerous instances when employees are absent from their normal assignments to perform acts or services officially sanctioned by management. In performing these acts or services, employees remain under management control or jurisdiction and are considered to be in a duty status. Supervisors are authorized to make individual determinations that the act or service is job-related and not chargeable to leave and to place reasonable limits on the length of such absences from normal assignments. Such absences are discussed further in chapter 10. In other situations where activity commanders or other officials that have been delegated such authority make a determination that the absence

1-12. Liquidation of Leave Indebtedness.

a. When an employee is separated before earning all the annual or sick leave that has been advanced, the value of the unearned leave must be refunded or deducted from any compensation due. A refund is not required if the employee is separated for reasons of death, disability retirement, or resignation for physical disability which is evidenced by acceptable medical documentation.

b. At the End of the Leave Year. Unliquidated advanced sick leave is carried forward from one leave year to the next until liquidated by subsequent leave earnings. If the employee so requests, advance sick leave may be liquidated by a charge against an equivalent amount of earned annual leave, provided that the annual leave account is charged prior to the time it would otherwise be forfeited at the end of the leave year.

c. Compensatory Time. Compensatory time to an employee's credit may not be used as an offset against advance leave (45 CG 243; 59 CG 253). However, in 59 CG 253, the Comptroller General held that compensatory time may be used to offset excess annual leave taken because it had been credited to an employee's account by administrative error, if such compensatory time would have been available for use at the time the erroneously credited annual leave was taken.

CHAPTER 2
ANNUAL LEAVE

2-1. Amount of Annual Leave Earned

a. The amount of annual leave employees earn depends on their length of service. Employees are assigned to leave earning categories as follows.

- (1) Category 1 - Employees with less than 3 years of service.
- (2) Category 2 - Employees with 3 but less than 15 years of service
- (3) Category 3 - Employees with 5 or more years of service.

b. Full-time employees earn leave as shown in table 2-1.

c. Part-time employees must have a regularly scheduled tour of duty to earn leave. However, credit is given for all time they are in pay status (including the hours worked outside their scheduled tour of duty) not in excess of 80 hours in the pay period as follows:

- (1) Category 1 - 1 hour for each 20 hours in pay status
- (2) Category 2 - 1 hour for each 13 hours in pay status
- (3) Category 3 - 1 hour for each 10 hours in pay status.

TABLE 2-1. Hour Credit

Leave	40-Hour Basic Workweek		72-Hour Basic Workweek	
	First 25 Pay Periods in Calendar Year	Last Pay Period in Calendar Year	First 25 Pay Periods in Calendar Year	Last Pay Period in Calendar Year
Category 1	4	4	7	12
2	6	10	11	13
3	8	8	14	24

d. No annual leave is accrued in a pay period when the employee is in a nonpay status (LWOP/AWOL/suspension) for the entire pay period (80 hours).

2-2. Maximum Annual Leave Accumulation. The maximum amount of leave that an employee may carry forward from one leave year to another is 30 days (240 hours) or the amount accumulated under an earlier leave system. Any leave to the employee's credit at the end of the leave year which exceeds this maximum accumulation is either forfeited or restored according to paragraph 2-9.

2-3. When Annual Leave Becomes Available for Use. All annual leave an employee will earn during the leave year becomes available for use at the beginning of the pay period in which it is earned.

2-4. When Annual Leave them time off for vacat annual leave is a right opportunity to use the for it at the time of s annual leave to be gran between the employee an prior approval by the be given where circumst employees are informed obatining approval of l absence as well as requ consider the employee's

anted. Employees are and for personal or eme the employee in that the leave, or to the exte tion. Determination as generally should be on t or her supervisor. An appropriate supervisor; howe warrant. Supervisors e procedures to be fol This includes request or leave for emergenci es and personal conven

1 leave to allow es. The use of either given an by law, is paid and amount of utual agreement subject to ve approval may hat all esting and n advance of the ors should as the work

situation when granting leave. They may not make arbitrary decisions to deny leave. However, the final determination as to the schedule and the amount of annual leave granted at any specific time is made by the supervisor authorized to approve leave.

a. **Advancing Annual Leave.** An employee who is granted annual leave during the current leave year in excess of the amount authorized for that year must have leave in status long enough to enable the leave advance may not exceed the approved amount of the current leave year. Any annual leave recorded for that year must be approved by the commanders, of FS's, and heads of specific

units. However, in advancing an employee's leave, the supervisor must ensure that the employee is granted leave before the end of the leave year that will be earned prior to the employee's separation. The supervisor will be accepted as the authority to approve leave for major subordinate units and their designees.

b. **Use of Lump-Sum Annual Leave.** Annual leave that can be included in a lump-sum leave payment is that leave which the employee will not return to active duty. One of the following applies. The

employee must be separated from the Federal service, except when the employee is being separated because of reduction in force.

(1) Is being separated because of reduction in force.

(2) Must be carried in a leave status pending acceptance for active military duty.

(3) Has made application for disability retirement

c. **Lump-Sum Payment Upon Separation.** An employee is entitled, on separation, to all accumulated and accrued annual leave credited to the employee which consists of the following:

(1) The regular carry-over balances from the previous year, if any.

(2) Accrued and unused annual leave during the current leave year, if any.

(3) Any unused restored annual leave maintained in a separate leave account

d. **Use of Annual Leave During Active Military Duty.** With the exception of members of the Reserve or National Guard, employees cannot use annual leave during active military duty. Employees in the Reserve or Guard may use annual leave and/or leave without pay after their military leave balance has been exhausted.

2-5. Requiring Employees to Take Leave. No employee may be placed on annual leave without his or her consent.

2-6. Procedure for Transfer of Leave. Civilian payroll offices are authorized to accept the employee's personal certification as to the amount of leave to his or her credit, pending receipt of SF 1150. The employee then may be granted an amount of paid leave not to exceed the amount personally certified, plus leave to be earned through the end of the leave year. SF 71 (Application of Leave) may be used for certifying and requesting leave. The employee may also be requested to produce some record evidence, if available, such as an earnings and leave statement or a personally maintained record of leave earned and taken.

2-7. When Lump-Sum Payments are Made. Normally, separated employees are paid a lump-sum for all their accumulated annual leave. There are certain exceptions to this general requirement, such as employees entering military service, those transferring to an international organization, and those who are removed from a position to which they were illegally appointed. An employee entering military service may elect to allow annual leave to remain in the leave account or to receive a lump-sum payment (5 USC 5552). If an employee dies, a lump-sum

payment is made to survivors which includes payment for all accrued and accumulated annual leave to the employee's credit at the time of death.

2-8. When a Refund of the Lump-Sum Payment is Required. If an employee who has received a lump-sum leave payment is re-employed before the end of the period covered by the payment, he or she must refund an amount equal to the gross compensation received for the unexpired portion of the lump-sum leave period. This includes pay before deductions of any kind and, if applicable, differentials and allowances received.

2-9. Restoration of Forfeited Annual Leave.

a. General. Annual leave which would otherwise be forfeited may be restored when it is lost because of exigencies of the service or sickness of the employee if use of the leave was scheduled in advanced. Leave may also be restored when an administrative error causes the loss of annual leave otherwise accruable.

b. Scheduling. Before forfeited annual leave may be considered for restoration, use of all the use-or-lose annual leave must have been requested, approved, and scheduled in writing before the start of the third biweekly pay period before the end of the leave year.

c. Approval of Exigencies.

(1) Before forfeited annual leave may be restored, there must be a determination that an exigency is of major importance and that an employee may not use scheduled use-or-lose annual leave.

(2) At Fort Sill, the Chief of Staff/Garrison Commander has authority to approve exigencies causing cancellation of use-or-lose annual leave.

(3) Normally, approval of an exigency is required in advance of cancellation of use-or-lose leave. In the event of an emergency, this determination must be made as soon after the occurrence of the emergency as possible. As soon as it is known that use-or-lose leave will be cancelled and forfeiture will be unavoidable, the supervisor initiates a memorandum to the Chief of Staff explaining the exigency and requesting approval to cancel the scheduled use-or-lose leave. The supervisor should coordinate the memorandum with the Management Employee Relations Branch, Directorate of Civilian Personnel, to ensure that the conditions for restoration in governing directives are met and that documentation to support the request includes, as a minimum:

(a) The specific beginning and ending dates of the exigency period, unless the suddenness or uncertainty of the circumstances prevents advance determination. (The dates are needed to establish the specific period within which the employee was prevented from using annual leave.)

(b) The dates and number of hours of scheduled use-or-lose leave which must be cancelled, and when this leave was scheduled and approved.

(c) A description of the exigency which shows that it is of such importance that the employee cannot be excused from duty.

(d) A statement as to why there is no alternative to cancellation of the scheduled leave and that use of the leave cannot be rescheduled during the remainder of the leave year.

(4) The Chief of Staff renders a decision on the request and returns it to the originating supervisor for transmittal to the employee.

(5) Promptly after the leave year ends, the employee should submit a request for restoration of leave with the approval of the exigency attached. The request should indicate the actual number of hours forfeited. This request should then be forwarded through the employee's chain of command to the employee's major subordinate commander, director, or head of special staff

section for approval and then, to the Civilian Payroll Office for establishment of a Restored Annual Leave Account. For restrictions on the uses of restored leave see para 2-9f below.

d. Sickness of the Employee

(1) Promptly after the leave year ends, the employee should submit a request for restoration of annual leave forfeited as a result of sickness. This request should be forwarded through the employee's chain of command, to the employee's major subordinate commander, director, or head of special staff section for approval. The request must include:

(a) Specific beginning and, where known, ending dates of the period of illness or incapacity which interfered with the use of use-or-lose annual leave. The approving official has the option of requiring medical documentation.

(b) Dates and number of hours of annual leave scheduled which had to be cancelled and when this leave was scheduled and approved.

(c) Information as to why cancelled annual leave could not be rescheduled before the end of the leave year.

(2) The approving official will review the request and upon determining that the documentation is adequate, will endorse it to the Civilian Payroll Office for establishment of a Restored Annual Leave Account, with a copy returned to the employee.

e. Administrative Error. Administrative error causes loss of annual leave, all leave must be restored as long as the leave was accrued after 30 June 1960, even though the error occurred before that date.

(1) The employee should initiate a request for restoration of annual leave forfeited as a result of administrative error at the time the error is discovered. The request should be forwarded through the employee's chain of command to the employee's major subordinate commander, director, or head of special staff section for approval.

(2) Official leave records should be used to substantiate the amount of annual leave to be restored. If these records are not available, an estimate of the employee's leave account is acceptable if accompanied by required documentation to explain the basis for the estimate. If the employee is separated before the error is discovered, the restored leave is subject to credit and liquidation by lump-sum payment, if a claim is filed within 3 years immediately following the date of discovery of the error.

(3) The approving official will review the request and upon determining that the documentation is adequate, will endorse it to the Civilian Payroll Office for establishment of a Restored Annual Leave Account. A copy of this approval should be provided to the employee.

f. Using Restored Leave. Restored annual leave is credited to a special leave account and maintained separate from normal annual leave. When requested annual leave is to be charged to the restored annual leave account, the employee must submit an SF 71 clearly indicating the amount of leave to be charged and must specify that the leave is to be charged to the restored leave account. Appropriate entry will also be made on the FS Form 962, with the employee's initials. Restored leave must be used in accordance with the following:

(1) If 40 hours or less, the restored annual leave must be used prior to using any other annual leave.

(2) If more than 40 hours but not more than 120 hours, the restored annual leave must be used prior to the end of the leave year following the calendar year in which the exigency terminated; the employee is able to return to duty after illness; or leave is restored to correct an administrative error.

(3) If more than 120 hours, the restored annual leave must be used prior to the end of the second leave year following the calendar year in which the exigency terminated; the employee is able to return to duty after illness; or leave is restored to correct an administrative error.

CHAPTER 3
SICK LEAVE

3-1. Benefits of Sick Leave. Sick leave is a benefit which accrues to employees to allow time to recuperate when they are mentally or physically incapacitated to do their jobs, to permit them to obtain medical, dental or optical examinations or treatment, and to prevent the spread of specified contagious diseases. All levels of supervisors should encourage employees to use their sick leave wisely and correctly. Supervisors should assure that employees are aware of the advantages of a substantial sick leave balance to assure continuation of pay in the event they suffer a lengthy illness or injury; and to increase their annuity at retirement (for CSRS retirements only).

3-2. Amount of Sick Leave Earned.

a. All full-time employees, regardless of their length of service, earn 4 hours of sick leave for each full biweekly pay period.

b. Employees who work on a part-time basis with an established tour of duty earn sick leave at the rate of 1 hour for each 80 hours of duty. Credit may not exceed 4 hours of sick leave for 80 hours of duty in any pay period. To earn sick leave, part-time employees must have a regular weekly tour of duty.

c. No sick leave is accrued in a pay period when the employee is in a non-pay status (LWOP/AWOL/suspension) for the entire pay period (80 hours).

3-3. Use of Sick Leave. Sick leave is a qualified right of the employee may be used only for absences:

a. When incapacitated by sickness, injury, pregnancy and confinement, or resulting from immunizations or vaccinations (whether or not a condition of employment).

b. For medical, dental, or optical examination or treatment, including periodic physical examination for retention of status in a reserve component of the Armed Forces or National Guard.

c. When a member of an employee's immediate family is afflicted with a contagious disease and requires the care and attendance of the employee, or when through exposure to contagious disease, the presence at work of the employee would endanger the health of others.

To participate in drug or alcohol counseling programs

e. For use immediately prior to separation for disability retirement, provided there is medical documentation that the employee actually is incapacitated from work. When an employee has applied for, and the Office of Personnel Management has approved the employee's retirement for disability, the employee will be separated when his or her sick leave is exhausted.

3-4. When Sick Leave Becomes Available. Sick leave becomes available for use at the beginning of the pay period during which it is earned. There is no limitation on the amount of sick leave that may be carried forward from 1 year to another. Any sick leave to an employee's credit upon separation from the Federal service may be recredited if the individual is reemployed within a 3-year period. For eligible dependents of civilian or military personnel who leave Federal employment to accompany their sponsor on a Federal overseas assignment, sick leave may be recredited if the dependent is reemployed within 3-year period or within no more than 2 years after they return to the United States from an overseas area to which the sponsor was assigned, whichever is later. The employee must have been a family member (spouse or unmarried child under 23) of a Federal civilian employee or a member of the uniformed service who was assigned to the overseas area and accompanied the civilian employee or member of a uniformed service during the overseas tour.

3-5. Restoration to Grant Sick Leave. An employee may not be restored to the rolls after separation for the sole purpose of granting sick leave in the absence of administrative error or oversight in the processing of a separation action (33 CG 422); but an employee may be restored to correct a bona fide error or so as to grant sick leave to an employee retiring on disability (CG B-175210).

3-6. How Sick Leave is Requested and Approved.

a. When Requested. Sick leave for prearranged medical appointments (including dental or optical examinations or treatment and drug and alcohol counseling sessions) must be requested in advance of the absence. Sick leave for absence because of illness, injury, exposure to a contagious disease, illness of a family member with a contagious disease, or other circumstances of incapacity which are not known in advance must be requested as soon as possible after the beginning of the absence but not later than 2 hours after reporting time, or as soon after as possible. For absences of 3 days or less, sick leave must be requested on the first day and on every additional day of absence, unless the supervisor expressly relieves the employee of this requirement. Requests for sick leave for nonemergency medical appointments and requests for advanced sick leave may be denied, even though submitted with proper documentation if the supervisor determines that the employee's services are needed. Also, the supervisor may require the employee to furnish reasonable evidence for emergency and nonemergency medical appointments and advance sick leave.

b. Absences for 3 Days or Less. Ordinarily, except as stated in paragraph 3-6e below, medical documentation is not required for absences of 3 days or less. The employee's initialing of FS Form 962 is sufficient certification for sick leave absences of 3 working days or less. In the event the time and attendance report is not initialled, the employee's personal certification on an SF Form 71 must be furnished to the supervisor within one full pay period following the employee's return to duty. When there is reason to believe that the employee is abusing sick leave, medical documentation may be required for absences of 3 days or less in accordance with paragraph 3-9a below. This requirement must be limited to cases of suspected abuse and can be imposed only after the employee has been specifically informed in writing of this requirement for future absences. Except in individual cases of suspect abuse, a supervisor may not establish practices which require submission of medical documentation by all employees for absences of 3 days or less, provide for checkup visits to homes of all absentees, or establish unduly complex procedures for approval of sick leave.

c. Absences of More Than 3 Days. Sick leave of more than 3 consecutive workdays must be supported by medical documentation unless the supervisor specifically waives this requirement. Supervisors may, at their discretion, accept the employee's personal certification on SF 71. In such instances, the employee will complete the SF 71 except for the blocks labeled "Certificate of Physician or Practitioner." The supervisor will then sign the form indicating approval and forward with the time and attendance report. If there is any doubt as to the validity or adequacy of the medical documentation presented to support a request for sick leave, the medical officer at the installation may be requested to review the documentation submitted and to consult the employee's physician for additional information.

d. Prolonged Absences. In cases of prolonged absences due to illness, a medical certificate from the attending physician must be submitted at intervals of not less than 1 month unless the initial certificate specifies the length of time the employee will be incapacitated.

e. Absences Due to	Disease. Sick leave due to exposure to
contagious disease or	of a family member with a contagious disease--
must be supported by m	

(1) When exposed to a contagious disease and the presence of the employee would jeopardize the health of other employees. The use of sick leave for this

reason requires a statement from a physician specifying the disease and circumstances of exposure, that the presence of the employee would jeopardize the health of other employees, and state the period of time the employee is required to be absent from duty.

(2) When an employee requests sick leave because a member of his or her immediate family is sick with a disease for which local health authorities prescribe quarantine, isolation of the patient, or restriction of his or her contacts for a specified period. Among the diseases for which isolation of the patient or restriction of contact is usually prescribed are: chickenpox, diphtheria, German measles (rubella), measles (rubeola), infectious hepatitis, mumps, poliomyelitis, scarlet fever, streptococcal sore throat, and whooping cough. In some cases, school regulations may not permit a student to attend school; however, sick leave may not be granted to the parent unless local health regulations prescribe isolation or restriction of the child's contacts. This public health requirement must be substantiated by the attending physicians statement. Additionally, there must be evidence that the family member requires the employee's care. This determination by the supervisor depends on the family member's age and nature of the illness, and must also be documented by the attending physician.

f. Employees Injured on Duty. An employee injured in the performance of his or her duties will be considered in a duty status and will receive pay without charge to leave for the time required to obtain emergency treatment to the extent that the time falls within his or her prescribed hours of work for that day. When an employee is injured in the performance of his or her duties, he or she is entitled to apply for the benefits of the Federal Employees' Compensation Act (FECA). He or she may, however, elect to have the absence from duty covered by a charge against his or her accumulated sick leave. When an employee has been placed in a nonpay status pending a decision on a workmen's compensation claim, and the claim is disallowed, the nonpay status may be retroactively converted to the extent accumulated sick leave was available to the employee's credit at the time of the injury. If the sick leave credit is not sufficient, donated leave and/or annual leave may be used.

g. Leave Substitutio

(1) Retroactive Substitution of Sick Leave.

(a) Sick leave accrued after a period of absence will not be retroactively substituted for such absence.

(b) Accumulated or advanced sick leave credits will not be retroactively applied to any period of leave without pay which was requested and granted.

(c) When an employee is carried on annual leave or in a nonpay status pending a return to duty and a determination of appropriate leave to be charged, the period of absence may be converted to sick leave if the absence is later properly substituted by acceptable evidence of illness.

(2) Illness During Periods of Annual Leave. When illness occurs within a period of annual leave, sick leave may be granted for the period of illness, provided the sickness is reported promptly and the request is supported by a medical certificate or other administratively acceptable evidence.

(3) Substitution of Annual Leave for Sick Leave. An absence which would otherwise be chargeable to sick leave may be charged to annual leave if requested by the employee. However, sick leave which has been applied for, approved by the supervisor, and charged to the employee's leave account becomes a vested statutory right and annual leave may not be substituted retroactively (38 CG 354). An exception to this is that annual leave may be substituted retroactively for advance sick leave in order to liquidate an indebtedness to the Government. Substitution for the sole purpose of avoiding a forfeiture at the end of the leave year is not authorized.

h. Disabled Veterans. A disabled veteran who presents an administratively acceptable statement from a physician or other duly constituted medical authority showing that an absence from duty is required for a medical examination or treatment in connection with the recognized disability must be granted all sick leave (including any authorized advanced sick leave), and all annual leave, plus any leave without pay that may be necessary to cover the period of the absence. Except for emergency treatment, the mandatory provisions for the granting of such leave are contingent upon the veteran's giving prior notice of the definite periods of required absence so that arrangements can be made for carrying on the work during the veteran's absence (EO 5397).

i. Sickness After a Nonpay Period. Sick leave may be granted for a period immediately following a period of nonpay status if, in the judgement of the supervisor, this action is warranted. However, it is improper to terminate nonpay status primarily to grant sick leave (CG B-122201).

j. Restrictions on Outside Employment During Sick Leave. If an employee is unable to perform the duties of his or her job because of illness or injury, he or she is generally considered to be too ill or injured to work elsewhere. There are, however, rare situations (generally involving extended periods of illness or confinement) where there may be acceptable justification for outside employment. One example is an employee confined at home because of pregnancy, or recuperation from illness or injury, who engages in telephone solicitation work or writing. However, before engaging in outside employment during any period of sick leave, the employee must notify the leave approving official of the nature of the employment and furnish acceptable evidence that they are still incapacitated for duty (FPM SU 990-2).

NOTE: Before allowing an employee to engage in outside employment during a period of sick leave, the supervisor must make every reasonable effort to furnish light duty or appropriate detail duties the employee can perform.

k. Examination and Treatment

(1) Sick leave should be granted for medical, dental, or optical examination or treatment. Medical examinations include those required by the Armed Forces for members of the reserves and certain retired members and those required by another Federal agency as a prerequisite for transfer. However, employees ordered to report for physical examination in connection with entry into the Armed Forces, including the reserves, will not be required to use sick leave if the request is accompanied by official notice from the proper authority. Absences for Armed Forces entry examinations will be excused.

(2) Employees are not required to take sick leave for medical examinations or treatment when the examination or treatment is required for work-related reasons. Examples are medical examinations for new appointees, examinations and treatment for work-related injury or illness, fitness-for-duty examinations, agency examinations in connection with an application for disability retirement (whether initiated by the employee or agency), and examinations or treatment authorized under and provided by the Federal Employees' Occupational Health Programs. Employees are also authorized excused absences from duty for participation in any agency authorized or cosponsored health programs, subject to approval by their supervisor.

1. Return to Duty After Illness. Any requirement for clearance with the medical facility before returning to work must be limited to those specific cases where there is reason to believe that the employee's presence at work would endanger the employee's health or would constitute a health hazard to others. The leave approving official determines what is acceptable evidence of incapacity. If necessary, the medical officer at the installation may be asked for assistance in making this determination.

m. Where evidence does not justify the approval of sick leave, the absence may be charged to annual leave or LWOP with the employee's consent, or AWOL at the supervisors discretion.

Sick Leave Without Consent.

a. As a general rule, employees may not be placed on sick leave without their consent. However, if the available medical evidence supports a conclusion that the employee is incapacitated for normal work and there is no temporary light duty available, the employee may be placed on enforced sick leave by following the procedures listed below. In some situations, management may have reasons to question an employee's physical or mental ability to perform his or her job. If the requirements of 5 CFR, Part 339, can be met, the employee may be examined by an activity-selected physician. If those requirements cannot be met, the following options are available:

1) Assign the employee to light duty.

(2) Suggest to the employee that he or she appears to be incapacitated for duty, that he or she should request sick leave, and that he or she should bring in medical evidence of his or her condition (the supervisor may offer to have an activity-selected physician conduct the examination).

(3) If the employee maintains that he or she is capable of working his or her regular job and refuses to take sick leave or be examined by a physician, then the activity should determine whether or not placing the employee in his or her job would endanger safety. If it would, the employee should be temporarily detailed to other duties while the supervisor consults with his or her management employee relations specialist.

b. Under these circumstances, regulations require that the employee be given a proposal letter stating what action the supervisor is proposing to take; an opportunity to respond to the proposal; and a decision as to what action the agency is going to take based on the facts and the employee's response, if any, and further informs the employee of his or her rights.

c. The proposal, opportunity to respond, decision, and appeal/grievance rights should correspond to those for a regular suspension, because enforced leave in this type of situation constitutes a suspension. The basis for the activity's proposal is the lay evidence (or medical evidence, if it is available) which led to doubt the employee's ability to perform. If the employee submits acceptable medical evidence that proves he or she was or now is capable of performing his or her full duties, the employee should be returned to duty. If the evidence does not support the employee's claim, then the employee should be placed on involuntary sick leave and/or LWOP if the employee has no sick leave balance.

d. If the employee later submits acceptable medical evidence that he or she is able to return to duty, he or she should be returned to duty as expeditiously as possible.

e. The supervisor must coordinate with the Management Employee Relations Branch, Directorate of Civilian Personnel, to ensure that all the requirements for using enforced sick leave are met.

Advancing Sick Leave.

a. An advance of sick leave is a privilege which may be extended to employees. It is not considered a routine or standard procedure and will be granted only after all circumstances have been carefully weighed.

b. When there is reasonable assurance the employee will return to duty, sick leave may be advanced in cases of serious disability, illness, incapacitation or confinement for child care after an employee has exhausted the sick leave to his or her credit and any annual leave subject to forfeiture. The advanced credit may never exceed 240 hours at any time. Sick leave advanced to temporary employees or to employees who are retiring or separating will not exceed an amount which they will accrue prior to anticipated separation.

(1) In granting advance sick leave the deciding official should consider the employee's prior sick leave history; annual leave versus sick leave balance history; length of continuous employment; and whether all accumulated sick leave and annual leave subject to forfeiture has been exhausted.

(2) An employee's request for advancement of sick leave will be submitted in writing to the immediate supervisor and must be supported by medical documentation signed by a physician or medical specialist. The application must specify the number of hours requested, the period of expected absence, and a brief explanation of why interruption of pay would cause undue hardship. Medical documentation should conclude that the employee is incapacitated for duty, describe the nature of the illness and the approximate duration of the employee's absence, and must clearly indicate that the employee is expected to return to duty.

c. Advance sick leave is liquidated automatically as sick leave is earned in future pay periods, but repayment is not required when separation is because of death, resignation for disability supported by acceptable medical documentation, or disability retirement.

d. An unliquidated advance is carried forward from pay period to pay period and from one leave year to the next until liquidated by subsequent accrual. If the employee requests, advanced sick leave may be liquidated by a charge against an equivalent amount of annual leave. When an employee separates from the Federal service before liquidating the advance, the balance is liquidated in the following order:

- (1) Charged against available annual leave.
- (2) Set off against earned salary.
- (3) Request for retirement offset.

e. Approving authority for advance sick leave are the major subordinate commanders, directors, and heads of special staff or their designees. The approving official will forward the request to the servicing civilian pay office with a copy to the employee.

3-9. Abuse of Sick Leave

a. Supervisory Responsibility. The abuse of sick leave privileges constitutes misconduct and, therefore, is cause for disciplinary action. Abuse is usually difficult to substantiate; however, supervisors are responsible for the control of sick leave and for taking affirmative action when a basis exists for suspecting abuse. The most common basis is apparent excessive use by an employee over an extended period of time. No arbitrary figure can be established which constitutes "excessive" use of sick leave. This must be an individual judgment by the supervisor based on such factors as the employee's age and apparent health, the nature of the illnesses causing sick leave use as stated by the employee, by medical evidence or documentation, and the pattern of use.

b. Corrective Action. When available evidence indicates possible abuse, supervisors should--

(1) Keep a record of sick leave use that may show a pattern of misuse (i.e. Fridays and Mondays and days before and after holidays), as well as the total amount used and the reasons when known. FS Form 836 (Attendance Record) is available for use by supervisors and may be obtained by contacting the Management Employee Relations Branch, Directorate of Civilian Personnel.

(2) Require suspected abusers to support future requests for sick leave, regardless of the duration of the absence, with a doctor's certificate specifically stating that the employee was incapacitated for duty. This notification to the employee must be in writing and will include the supervisor's reasons for suspecting misuse of sick leave.

CHAPTER 4
LEAVE WITHOUT PAY

4-1. **When Leave Without Pay (LWOP) is Granted.** LWOP is a temporary nonpay status and an authorized absence from duty granted upon the employee's request, or when the employee has insufficient annual or sick leave, or compensatory time available to cover an approved absence. An employee does not have to exhaust annual leave before requesting LWOP. LWOP cannot be imposed as a penalty, nor can an employee be required to apply for LWOP in lieu of suspension. It must not be confused with absence without leave (AWOL) which is charged for unauthorized absence or absence for which the employee's leave request was denied or unjustified. The granting of LWOP is a matter of administrative discretion except as specified below.

a. By law, a supervisor must grant LWOP in the following two circumstances:

(1) A disabled veteran to cover an absence for medical treatment related to a service-connected disability.

(2) A member of the reserves or National Guard to perform military training duties.

b. By regulation, if the employee has followed leave procedures, the granting of LWOP is mandatory under the following circumstances:

(1) For protecting an employee's status and benefits pending action by the Office of Workers' Compensation Programs (OWCP) on a claim resulting from a work-related illness or injury or during a period the employee is carried on the rolls while being compensated by the OWCP.

NOTE: If an employee who is receiving compensation payments is separated, it is more administratively difficult to return him or her to duty than if he or she had been retained in a LWOP status. This is due largely to requirements imposed by the OWCP. Employees receiving compensation should be retained in a LWOP status rather than separated unless there is virtually no hope of the employee returning to work.

(2) To avoid a break in service for career or career-conditional employees who are dependents of a military member, a federally employed head of household, or a non-federally employed head of household where any such heads of household have been transferred by their employer; they are granted LWOP upon their request for a period of 90 calendar days. Dependents of a non-federally employed head of household are required to provide acceptable evidence of the requirement to transfer. This initial granting of 90 days may be extended upon the request of the employee. Employees who are granted such leave without pay must sign a conditional resignation, to be effective at the end of the 90-day period, including any extension periods, in the event the employee does not find other governmental employment by that time.

c. LWOP in other cases should be granted only when it is apparent that it will result in increased job ability, protection or improvement in the employee's health, or the retention of a desirable employee. Circumstances in which the approval of LWOP is discretionary include (but are not limited to) the following:

(1) For educational purposes when the course of study is in line with work performed within the Agency and completion of the course would serve the best interest of the Agency.

(2) For protecting the rights and benefits of employees who must relocate because of an emergency family situation.

(3) For temporary service with a nonfederal private enterprise when it will contribute to the public welfare or when the experience to be gained will benefit the Agency.

- (4) For service with a recognized employee organization.
- (5) For protection of an employee's status pending final action by the Office of Personnel Management on a disability retirement, after all sick and annual leave have been exhausted.
- (6) For recovery from illness or disability not of a permanent nature.
- (7) For protecting the rights and benefits of employees who request to remain at home to care for a newborn, newly adopted, or sick minor child.
- (8) To serve as an officer or employee of union representing Federal employees under Section 7131 of Title 5 United States Code.

d. There is no maximum prescribed by law or regulation on the amount of LWOP which can be granted. Costs and inconveniences to the Army as a result of granting extended LWOP include encumbrance of the position, loss of services, complication of retention registers in the event of reduction in force, obligation to provide active employment at the end of the approved leave period, credit of 6 months of each year towards retirement without employee contributions, and eligibility for continued coverage under Federal Employees' Group Life Insurance (without cost to the employee for up to 1 year of nonpay status).

4-2. Conversion of Leave Without Pay. If an employee applies for and is granted leave without pay, the period of leave may not be retroactively converted to annual or sick leave, except for disability retirement and employee compensation cases when claims are later disallowed.

4-3. Leave Without Pay Pending Transfer of Leave Balances. No employee will be charged LWOP pending receipt of SF 1150 unless and until the gaining office verifies that the employee does not have leave (AR 690-990-2, Book 630).

4-4. Who Approves LWOP. Supervisors authorized to approve annual and sick leave determine when a request for LWOP of 30 calendar days or less may be granted. Major subordinate commanders, directors, and heads of special staff determine when a request for LWOP of more than 30 calendar days, but not more than 1 year may be granted. LWOP of more than 30 consecutive days must be made a matter of record in the Official Personnel Folder. Supervisors should promptly submit a SF 52 (Request for Personnel Action) to the Directorate of Civilian Personnel upon granting LWOP of more than 30 days. Initial grants of LWOP may not exceed 12 months. If an additional grant is deemed justified, the request must be submitted to the Directorate of Civilian Personnel on a SF 52, together with the employee's reasons for requesting additional LWOP. An extension beyond 1 year may be approved only when it is in the interest of the Federal service, or when it is determined that, because of unusual circumstances, the employee would be subjected to undue hardship if the extension was denied.

CHAPTER 5
ABSENCE WITHOUT LEAVE

5-1. Charging Absence Without Leave.

a. Absence without leave (AWOL) is an absence from duty which has not been authorized or approved by the proper official. In such cases, pay is denied for the entire period of absence. However, where it is later determined the absence is excusable due to conditions which rendered approval impracticable, the charge to AWOL may be changed to annual leave, sick leave, or leave without pay as appropriate. AWOL can be charged in increments of 15 minutes.

b. Supervisors should discuss questionable absences with employees as soon as possible to determine whether the absence should be charged to approved leave or to AWOL.

c. AWOL is not to be confused with leave without pay (LWOP), which is granted at an employee's request. LWOP is a permissive type of leave and does not have a disciplinary connotation. AWOL, on the other hand, results from disapproval of an absence and may be the basis for disciplinary action. Carrying an employee as AWOL on the time and attendance report is not considered by itself a disciplinary action, although the employee is not paid for that absence. When a supervisor charges an absence as AWOL, he or she must decide whether disciplinary action is warranted and necessary as a corrective measure.

CHAPTER 6
MILITARY LEAVE

6-1. Military Leave. Military leave is an absence from duty in the employee's civilian position without loss of pay (including pay for regularly scheduled overtime) to perform military duty. Eligible employees must, upon request, be granted military leave for performance of active duty (AT) or active duty for training (ADT). If an employee is ordered to an initial period of AT/ADT with the reserves or National Guard for an initial period of not less than 3 months, the employee may be granted annual leave or LWOP as requested, after first exhausting any military leave balance. However, if the employee (except a temporary employee) is to continue on active duty for an extended period (usually more than 1 year) he or she must be furloughed or separated according to his or her request, after exhausting any military leave to which entitled.

6-2. Eligibility Criteria. Employees entitled to military leave must meet the following criteria:

Be a member of a Reserve or National Guard component.

b. Be a full-time, part-time career employee (16-32 hours per week) with permanent, TAPER, or term appointments or other temporary appointments of 1 year or more who do not have an intermittent work schedule.

c Be serving on an appointment that is not limited to 1 year or less

NOTE: Although an employee may serve longer than 1 year on successive temporary appointments, there is no eligibility until the employee serves under an appointment that is not limited to 1 year or less.

6-3. Entitlement to Military Leave.

a. An eligible full-time employee who is a member in the Reserve of the Armed Forces or a member of the National Guard accrues 15 days of military leave each fiscal year. Any military leave (not to exceed 15 days) which is unused at the beginning of the succeeding fiscal year is carried forward for use in addition to the days which are credited at the beginning of the new fiscal year. This means that a full-time employee may accrue and have available for use a maximum of 30 days military leave during a fiscal year. An employee who is a member of the Reserves or National Guard who is not eligible for or who has exhausted his or her military leave, must be granted annual leave or LWOP, as requested, for AT/ADT. Military leave is not authorized for inactive duty for training (IDT). In these cases a supervisor may grant annual leave or LWOP as appropriate.

b. Part-time career employees who are on regularly scheduled tours of duty of 16 to 32 hours a week accrue military leave at a rate determined by dividing 40 into the number of hours in the regularly scheduled workweek during the fiscal year and multiplying by 15. Example: A regularly scheduled part-time employee works 20 hours per week. That employee's entitlement to military leave is 20 divided by 40 x 15. Part-time employees who work less than 16 hours per week are not entitled to military leave.

6-4. How Military Leave Accumulates. On 1 October of each fiscal year, or upon appointment, military leave is credited to an eligible employee's account (prorated for part-time employees). Unused military leave remaining from the prior fiscal year, not to exceed 15 days, is also credited.

6-5. Military Leave for Law Enforcement Purposes. When a member of the Reserves or the National Guard is ordered to perform full-time active duty for law enforcement (see 5 U.S.C. 6323(b)), military leave not to exceed 22 workdays in a calendar year is authorized. This military leave can be granted only for absence during the employee's regularly scheduled tour of duty, including regularly scheduled overtime. It cannot be granted for military duty performed within a period of nonpay status. Any pay the employee receives for such military service (other than travel, transportation, or per diem allowance) must

be turned into the finance office to be credited toward the pay received in the civilian position during the employee's absence to perform the military duty (49 CG 233).

6-6. Military Leave for Parades. Employees are not authorized military leave for participation in parades.

6-7. Conditions for Granting Military Leave. An eligible employee is granted any military leave available to them when they are ordered to AT/ADT. Neither annual leave nor LWOP is granted for such active duty until the employee has used all the military leave available to him or her, unless this would result in a forfeiture of annual leave. Requests for military leave must be supported by a copy of the orders. The orders are forwarded to the payroll office with the FS Form 962 on which the absence is first reported. After completion of the AT/ADT period, the employee is required to submit a certification by the appropriate military officer as evidence that the military duty was performed. This certification is forwarded to the payroll office with the FS Form 962 on which the return to duty is reported.

6-8. How Military Leave is Charged.

a. Military leave granted is charged on a calendar-day basis. No charge is made for nonworkdays at the beginning and end of a period of absence on active military duty. However, all intervening nonworkdays, including holidays, falling within the period of military duty must be charged to military leave.

b. Military leave granted for law enforcement purposes is charged on all days the employee would otherwise have worked and received pay, including days on which he or she was scheduled to work overtime on a regular basis. No charge is made to military leave for holidays or for any other day established by Executive or Administrative Order as a nonworkday not chargeable to leave. Military leave for employees on alternative work schedules is computed as follows:

$$\frac{\text{Number of hours normally worked}}{\text{Divided by 8}} = \text{Charge military leave}$$

$$\frac{10 \text{ hours per day} \times 4 \text{ days}}{\text{Divided by 8}} = 5 \text{ days military leave}$$

Two-week period:

First week (40 divided by 8)	= 5 days military leave
Nonworkdays (Friday, Saturday and Sunday)	= 3 days military leave
Second week (40 divided by 8)	= 5 days military leave
Total	= 13 days military leave

6-9. Other Types of Absences Related to Military Duty

a. **Physical Examinations for Duty in the Armed Forces.** An employee is excused without charge to leave or loss of pay for the time required for physical examination before induction or recall to active duty in the Armed Forces. (NOTE: The term induction includes volunteering for military service.) An absence in excess of 1 day requires a justifying statement from the examining station. An employee required to report for periodic physical examinations for retention of status in any reserve component or the National Guard is granted sick leave for the absence under regulations applicable to approval of sick leave for medical examination.

b. **Entry into the Armed Forces.** An employee who reports for induction or is recalled to extended active duty in the Armed Forces is carried in a leave status until the Directorate of Civilian Personnel is notified that the employee has been inducted or accepted for extended active duty or if the employee is rejected, until he or she returns to duty or separation action is effected. A member of the reserves or National Guard is granted all military leave to which entitled before separation for military service. A reservist called to AT/ADT

to satisfy an initial military obligation of at least 6 months in conjunction with a reserve assignment is granted leave of absence. An employee not eligible for military leave or who has exhausted his or her military leave is carried on annual leave or LWOP, as he or she elects, pending acceptance or rejection for military duty. An employee, other than a member of the Reserves or National Guard, cannot be carried on leave during military service. The employee must be separated at the close of the day preceding the date he or she enters on active duty.

C. Leave for Injured Reservists. A reservist who is injured while in authorized training duty is entitled to active duty pay and allowances plus the compensation of his or her civilian position while on annual or sick leave during periods of hospitalization resulting from such injury. For periods not actually confined to the hospital, determination is required that the injury not resulted in an inability to perform duties of the civilian position (see 30 Comp. Gen. 476).

CHAPTER 7
COURT LEAVE

7-1. Court Leave Explained. Court leave is a leave of absence from duty without loss of pay or charge to annual leave to perform jury duty in a Federal, State, or municipal court; or to serve as a witness for the United States, the District of Columbia, or any State or local government. This includes any absence during periods of regularly scheduled overtime as well as any absence during the employee's regularly scheduled basic workweek. For the purpose of granting court leave, a military court is considered the same as a Federal court.

a. **Who Is Eligible.** A permanent or temporary employee with a regularly scheduled tour of duty (part-time or full-time) is eligible for court leave. Employees serving on an intermittent or when-actually-employed basis are not eligible for court leave.

b. **Granting Court Leave.** Court leave can only be granted for those days and hours the employee would otherwise be in a pay status. An employee cannot be granted court leave for jury or witness duty performed within a period of nonpay status. If the employee's absence is properly chargeable to court leave, he or she cannot elect to have the absence charged to annual leave. However, properly scheduled annual leave that is forfeited because of jury service constitutes an exigency of the public business and is subject to restoration under PL 93-181 (60 CG 598).

7-2. Granting Leave for Jury Duty. Because of the importance of trial by jury as an American system of justice, it is Army policy not to request that an employee be excused from jury service on the basis of Army employment, except in cases of extreme necessity. Effective administration of court leave also requires the exercise of good judgment in order to avoid imposing hardship on employees. Employees assigned to night shifts or standby tours of duty are granted court leave comparable with employees assigned to regular day shift work. A night shift employee who performs jury service during the day is granted court leave for his/her regularly scheduled night tour of duty and is entitled to the night differential (29 CG 427 and 23 CG 904). If an employee is on annual leave when called for jury service, court leave should be substituted (27 CG 83). No exception is made for annual leave that would otherwise be forfeited at the end of the leave year.

7-3. Granting Leave for Witness Service.

a. Court leave is granted to employees who are summoned as a witness on behalf of any party in connection with any judicial proceeding to which the United States, the District of Columbia, or any State or local government is a party. NOTE: An employee who is summoned or assigned by the Agency to testify in his or her official capacity or to produce official records on behalf of any party in any judicial proceeding is performing official duty and should not be charged court leave for the time involved.

b. A Federal employee is not entitled to court leave to participate in court suits between private individuals or companies in which the United States, the District of Columbia, or any State or local government is not an involved party. When an employee-plaintiff has been deposed (called to give a deposition) or otherwise summoned to testify in a case in which a party in the proceeding is the United States, the District of Columbia, or State or local government, the employee-plaintiff is a "witness" and is entitled to court leave for the time involved in giving a deposition or being a witness. However, the time the employee-plaintiff spends testifying in his or her own behalf does not meet the requirement of having been summoned; therefore, granting court leave is not appropriate.

c. When an employee is a party in a suit against the Government, the time the employee-plaintiff spends in preparation for the trial, answering the Government's interrogatories, and the time spent observing the conduct of the trial does not qualify for court leave. Annual leave or LWOP is appropriate for

such periods. However, if and when the employee-plaintiff prevails in a civil action against the Government which is related to or caused by a violation of the Civil Rights Act of 1964, then the employee is entitled to restoration of any leave charged.

d. In a proceeding under Title VII of the Civil Rights Act of 1964, Federal employees are in an official duty status when they appear as witnesses or are required to provide sworn statements. Witnesses who are Agency employees and who are summoned to testify on behalf of the plaintiff in a civil action under Title VII against the Agency are entitled to the same benefits with respect to pay status while attending court as persons who testify on behalf of the Agency. Similarly, Army employees who are plaintiffs in such cases are entitled to official time for attendance in court at their trial. These entitlements flow from Title VII, which takes precedence over any contrary provision of any collective bargaining agreement or other regulation.

e. An employee who performs witness service in an official duty status on days he or she would have been entitled to receive premium pay had he or she rendered service in his/her civilian position, is entitled to the compensation he/she would have received on those days (37 CG 1 and 26 CG 151).

7-4. Return to Duty Upon Release by Court. An employee properly summoned by a State or Federal court to serve on a jury is under the jurisdiction and control of the court for the term of the jury service. However, an employee is expected to return to duty during periods he or she is excused from jury duty unless this would be impractical. An employee excused or discharged by the court either for an indefinite period subject to recall or a definite period in excess of 1 day, or a substantial portion thereof, is not entitled to court leave and must report back to duty. As a general rule, if there are 2 or more hours remaining in the employee's workday, exclusive of reasonable travel time, the employee should report for duty. If the employee fails to report for duty after release, he or she may be charged annual leave, LWOP, or AWOL for the time involved, as appropriate.

7-5. Procedure for Recording Court Leave. When an employee is called for jury or witness duty, the court order, subpoena, summons, or official request is given to the supervisor as soon as possible. The days and hours of court leave are entered on the FS Form 962. When the employee returns to duty, he or she submits written evidence of attendance in court showing the dates and hours, if possible. The supporting documents are forwarded to the payroll office along with the time and attendance report that includes the court leave entry.

7-6. Witness and Jury Fees. An employee must turn in any pay received as a result of jury or witness service to the civilian pay office except:

a. An employee is entitled to receive and retain expense paid for services rendered and reimbursement for travel expenses. When a State or local court characterizes jury and witness fees as expenses, there is no requirement for the employee to turn in such fees to the Agency.

b. Employees are permitted to keep any amount of the jury fee which exceeds the amount of compensation due to him or her (29 CG 302).

c. Employees who perform jury service on nonworkdays are entitled to retain fees received for such service (37 CG 695; 26 CG 88; 36 CG 378).

d. Employees may accept and keep any allowance for mileage, meals and lodging (20 CG 115). Fees received for jury service on a holiday falling within the employee's basic tour of duty may be retained by the employee provided that, had he or she not been on jury duty, he or she would have been excused from regular duties on the holiday (27 CG 293 and 45 CG 251).

CHAPTER 8
LEAVE FOR PARENTAL AND FAMILY RESPONSIBILITIES

8-1. What This Chapter Covers. Leave for the birth of a child, leave for child care, leave for adoption and foster care, and leave for other parental and family responsibilities. It is Army policy that management be responsive and compassionate in leave policies for working parents. Leave for parental and family responsibilities consists of appropriate combinations of annual leave, sick leave, and LWOP. Sick and annual leave can also be advanced to employees.

8-2. Absence for Maternity Reasons. Absence from duty for reasons related to pregnancy and confinement is charged to sick leave, annual leave, or leave without pay, depending on the circumstances and availability of each type of leave. The employee is responsible for providing notice substantially in advance of the anticipated leave dates. Requests for sick leave are treated the same as any request for leave to cover a medically certified temporary disability. All sick leave requested must be supported by medical documentation showing that the employee is incapacitated and unable to perform the duties of her position for the period covered by the certificate. (See chapter 3 for request for advanced sick leave.) Sick leave is not authorized for an absence based solely on the employee's responsibility for care of the infant. Any additional absence that is not supported by medical documentation must be charged to annual leave or leave without pay. If the employee requests additional annual leave or LWOP following medical recovery from childbirth to care for the infant, supervisors should make every effort to approve the request, workload permitting. Supervisors should follow the criteria in chapter 4 in considering requests for LWOP.

8-3. Leave for Adoption and Foster Care

a. **The Adoption Process.** Adoption is often a long and arduous process for a prospective parent. There are many arrangements that adoptive parents must make. For example, an adoptive parent often must make a commitment to stay home with the adopted child for the first several weeks or months. This is why supervisors must be flexible and compassionate in the granting of leave during this important time. Certainly, supervisors need to give adoptive parents the same consideration as natural parents. Leave for adoption may be annual leave or LWOP. Sick leave for this purpose is not appropriate.

b. **Foster Care.** As with adoptive parents, supervisors need to be flexible and compassionate in the granting of leave for employees who are foster parents. Annual leave and LWOP are appropriate for employees who must take care of the needs of foster children.

c. **Children with Special Needs.** There has been increasing emphasis in recent years on encouraging the adoption of children who have historically been difficult to place, such as children with mental or physical handicaps. Employees who take on this enormous responsibility may need even more support and encouragement than parents of children who are not disadvantaged. Annual leave and LWOP are appropriate for such purposes.

8-4. Leave for Child Care.

a. **Well-Baby Care.** Parents take their babies to the pediatrician periodically for checkups to make sure the baby is exhibiting the normal developmental signs and is otherwise healthy. These checkups continue, at decreasing intervals, as the child grows older. These responsibilities only require leave for a few hours or, at most, a day here and there. But they are responsibilities that cannot be postponed as readily as other leave plans. Annual leave and LWOP are appropriate in these cases.

b. **Routine Illness.** Children often suffer minor maladies such as ear infections, colds, stomach ailments, and mysterious rashes. As a result, supervisors may find that parents take more unscheduled leave than other employees. There is often nothing a working parent can do other than stay home with the child. Fortunately, these routine illnesses are usually short-term. Annual leave and LWOP are appropriate for this purpose.

c. Other Illnesses. Unfortunately, children still get highly contagious diseases for which public health officials require the child to be quarantined, isolated, and restricted. Employees who must stay home to care for a child with such a disease, or who have been exposed to such a disease, should be granted sick leave (also see para 3-6e above).

8-5. Leave For Other Parental and Family Responsibilities

a. School Schedules and Activities. From time to time parents are obligated to attend events such as teacher conferences, school plays, pageants, sporting events, and other activities. Agencies should be flexible in granting leave for these occasions. Annual leave and LWOP are appropriate for these activities.

b. Sitters. Young children of a single, working parent or a working couple are usually placed in some kind of day care situation outside the home. Some children are placed with a sitter rather than in a day care center. Sitters get sick, need time off for personal reasons, and have other emergencies. This means that the working parent may have no alternative but to stay home with the child. Annual leave and LWOP are appropriate for this purpose.

c. Elderly Parents and Other Dependents. We should not forget that among the more typical family responsibilities is the care for the elderly and the infirm. There will be times when employees will need time off to attend to the medical and personal needs to these dependents. Annual leave and LWOP are appropriate for this purpose.

CHAPTER 9
ADMINISTRATIVE DISMISSAL

9-1. Administrative Dismissal. Administrative dismissal is an absence from duty when employees are released from duty because all or part of an activity is closed or it is in the public interest. Employees affected by these actions are generally excused without charge to leave and without loss of pay.

9-2. Closing an Activity. The Commander is authorized to close all or part of an activity and to excuse employees administratively consistent with the policy outlined in this subchapter. This authority does not extend to periods of interrupted or suspended operations that can be anticipated enough in advance to permit arranging for assignment to other work, furlough, or the scheduling of annual leave.

9-3. Absence Due to Emergency Conditions or for Managerial Reasons.

a. Authority. The Commander may issue administrative orders as prescribed in FPM SU 990-2, Book 610, Subchapter 3, relieving employees:

- 1) For managerial reasons
- (2) When emergency conditions exist
- (3) When normal operations are interrupted by events beyond the control of management or employees.
- (4) When it is in the public interest to relieve employees from duty.

b. Group Dismissal. When normal operations of an activity are interrupted by events beyond the control of management or employees, employees, except intermittent and while actually employed (WAE) employees, may be excused without a charge of leave. The authority to excuse employees under administrative orders is used sparingly and only for short periods of time. Normally, a single period of excused absence may not exceed 2 consecutive workdays. Under unusual circumstances the Commander may authorize 3 additional workdays of excused absence. However, employees cannot be excused without charge to leave when operations are suspended for managerial reasons known enough in advance to permit a furlough or the scheduling of leave. In arriving at a decision to close all or part of an activity, commanders must--

Consider the practice of private employers in the community.

(2) Provide for liberal use of annual and sick leave in individual cases. For example, before considering any group dismissal because of temperature extremes, grant leave to employees with chronic medical conditions which, according to the written advice of their attending physician, could be aggravated by temperature extremes.

(3) Assure that group dismissals of employees in connection with extreme weather conditions are authorized only in exceptional instances where working or commuting conditions are unusually severe or the health of employees is endangered.

(4) Avoid group dismissal used solely to create a holiday or as a reward for performance.

9-4. Absence Due to Temperature Extremes. Dismissals due to unusual employment or work conditions created by a temporary disruption of air cooling or heating systems should be rare. These conditions must be corrected as soon as possible. Employees are expected to work if conditions of the workplace are reasonably adequate. Employees affected by unusual levels of temperature may be granted annual or sick leave to the extent that they are incapacitated for duty or to the extent that continuance on duty would adversely affect their health. Before administrative excusal may be granted, it must be clearly established by reasonable standards of judgment that the conditions are such as to actually

prevent work. Such matters as the physical requirements of the positions involved, as well as the temperatures of the work areas, need to be considered.

9-5. Absence Due to Hazardous Weather Conditions or Disasters. Group dismissals of employees without charge to leave because of severe storm, snow or icing conditions, or disasters occurring during or outside regular duty hours may be authorized in accordance with the guidelines in FPM Supplement 990-2, Book 610, Appendix A. These guidelines must be followed by commanders in making group dismissal determinations.

a. To ensure orderly evacuation of employees who can be released from duty and continued maintenance of essential operations, local procedures must be established for official notification of group dismissals to all activities. Major subordinate commanders, directors and heads of special staff must designate those functions which must continue to be manned under all weather conditions for reasons of health, safety, and national security. In geographical areas (defined as areas within which employees normally commute to work) where the conditions affect more than one defense activity, the commander of the activity employing the largest number of civilian employees makes the determination if an emergency exists and assesses its impact on the employees, using the guidelines in FPM Supplement 990-2, Book 610, appendix A. Decisions by other individual commanders within the geographical area that conflict with the decision of the major geographical area commander must be coordinated with the major commander.

b. Under group dismissal conditions, employees are excused or charged leave follows:

(1) Early Dismissal. Only employees who are in a duty status or were scheduled to return from leave to duty status at the time of the early dismissal are excused without charge to leave. Employees who are absent on leave that day continue to be charged leave.

(2) Late Reporting. Due to hazardous weather conditions, tardiness in excess of 59 minutes may be excused. Tardiness in excess of 2 hours may be excused because of an unavoidable delay resulting from adverse weather or due to disruption of public or private transportation if personally authorized by the appropriate supervisor. Employees who do not report for duty during hazardous weather, are charged annual leave for the full duty day, unless the supervisor concerned determines that the employee made every reasonable effort to get to work but was unable to do so because of the weather conditions. Determining factors for consideration in the decision should include the distance between the employee's residence and place of work, mode of transportation, etc.

9-6. Status of Employees on Leave When Work Force is Excused

a. Workday. If an employee is on approved leave or in an AWOL or LWOP status on a day when employees are excused from duty or from reporting for duty and there is no administrative order declaring the day a nonworkday, the employee shall continue in a leave, AWOL, or LWOP status during the period of excused absence, or until he or she was otherwise scheduled to return to duty, or until he or she becomes available for work in the case of an employee who is AWOL or on LWOP.

b. Nonworkday. If a day is declared a nonworkday by Federal statute, executive order, or administrative order, no leave will be charged for absence on that day. This is true even though the nonworkday may occur within a period of approved leave. An exception to this is the case of an employee who works an uncommon tour of duty, e.g., firefighter, and receives premium pay on an annual basis (FPM Supp. 990-2, Book 630, S2-6). An employee scheduled to work on a day which is declared to be a nonworkday but is not excused from duty because his or her job is essential should be charged annual leave, LWOP, or AWOL (as appropriate) for any period he or she fails to work during the scheduled tour of duty.

CHAPTER 10
EXCUSED ABSENCE

10-1. Excused Absence. Excuse absence from duty without loss of pay. The supervisor must be legal or regulatory authority. The workweek to be excused without pay may excuse employees for the presence of the major subordinate commanders, and authorized to excuse employees deemed to be in the best interest. The term "brief period" normally means not more than 4 hours. Excused absence is not an administrative dismissal in that the employee is being excused for nonmission-related reasons. Government encourages, such as for emergency services, employees remain under duty status.

There is an administratively authorized charge to leave. Generally, there must be a charge to leave during the basic workweek. The leave approving supervisor must approve the reasons specified in this chapter. The leave approving supervisor and heads of special staff are authorized to approve periods for any other reasons that are not public or the Agency. A "brief period" is not more than 4 hours. Excused absence differs from administrative dismissal in that it normally addresses individual employees for emergency reasons, or for reasons the supervisor determines. In performing these acts or duties, the employee is under control or jurisdiction and are thus considered in a duty status.

10-2. Absence for Brief Periods or Tardiness. Unavoidable absences and brief tardiness of less than 1 hour (called the 59-minute rule), may be excused by the supervisor for adequate reasons or charged to annual leave, LWOP, AWOL or compensatory time, as appropriate. Supervisors should keep detailed records to show specific times and reasons given for tardiness or other absence, for employees who are chronically tardy or otherwise absent from duty without adequate excuse. FS Form 836 is available for this purpose and may be obtained from the Directorate of Civilian Personnel. If the supervisor permits the absence or tardiness to be charged as annual leave, the charge is in multiples of 1 hour. If the leave charged exceeds the period of absence or tardiness, the employee is not required to work during any time covered by the leave charge. Unauthorized absence during the workday also may be charged as AWOL if the circumstances do not justify excusing the absence or approving annual leave. Repeated tardiness or unauthorized absences which are charged as AWOL may serve as the basis for disciplinary action. Such cases should be discussed with the Management Employee Relations Branch, Directorate of Civilian Personnel, to determine whether to take disciplinary action and what type.

10-3. Taking Examinations. Examinations specified as a qualification requirement for competitive appointment to the position in which the employee is serving or required to establish eligibility for assignment to another position, and given by or taken at the request of the activity are considered as official duty. No leave is charged for the time off required to take the examination. This exception also applies to examinations administered by boards of the various states or other jurisdictions and specified as satisfying the qualification requirements for competitive appointment to a position in the Federal service as well as examinations administered by the Office of Personnel Management or any Federal agency. Absences to take examinations other than those specified above are charged to annual leave or LWOP.

10-4. Medical Examinations for Federal Service. An employee required to take a medical examination to determine his or her fitness for the Federal service, or who obtains chest x-rays or similar medical services administered as part of the health program at the activity, is considered in duty status during the time necessary to obtain the examination or treatment. When an employee is absent because of administratively required vaccinations or immunizations, the absence is also considered an excused absence without charge to leave or loss of pay, provided the medical officer administering the vaccinations or immunizations certifies the necessity of the absence.

10-5. Blood Donations. The Army encourages donors without compensation. An employee is charged to leave for the time necessary following blood donation, and for necessary travel. The maximum excusal time should be determined by the activity. When the employee must travel for recuperation occurs, up to an additional

employees to volunteer as blood donors. Excused from work without pay, for recuperation and from the donating activity, except in unusual cases, or when unusual need for blood is authorized.

10-6. Absence for Voting or Registration. Activities should assemble and maintain up-to-date information as to voting hours in all political subdivision in which their employees reside. This information should be made available to employees. On the basis of this information, activities must determine the amount of excused absence to be permitted and must inform employees of these determinations.

a. As a general rule, employees requesting time off to vote may be excused without charge to leave for the amount of time necessary to permit them to report to work up to 3 hours after the polls open or to leave work up to 3 hours before the polls close, whichever requires the least amount of time off. Normally, where the polls are open either three 3 hours before or 3 hours after the employees regular duty hours, no time off is authorized. Employees on flexible work schedules can be excused only for those hours which cannot be accommodated by their flextime schedule.

b. Because of special circumstances, the general rule stated above may not permit sufficient time for voting, in which case the employee may be excused for the additional time necessary but not for more than 1 workday.

c. Where the employee's voting place is beyond normal commuting distance, and voting by absentee ballot is not permitted, the employee may be granted sufficient time off to make the trip. Time off in excess of 1 day is charged to annual leave or LWOP.

d. Any employee voting in a jurisdiction where registration in person is required, may be granted time off to register on substantially the same basis as for voting. However, no time off is granted without charge to leave if the employee can register on a nonworkday and round-trip travel reasonably can be accomplished in 1 day.

10-7. Consultation With Officials, Directorate of Civilian Personnel, and Employment Interviews. Employees may be excused from duty without a charge to leave under the following circumstances:

a. For the time required to consult with officials or the staff of the Directorate of Civilian Personnel on matters relating to their employment. Arrangements satisfactory to his or her supervisor and the official to be consulted must be made in advance in these cases.

b. While representing a labor organization if the use of official time has been authorized by a management official/supervisor in accordance with the applicable collective bargaining agreement. Official time for union-related representational activities will be maintained as required by appropriate directives and/or the bargaining agreement.

c. When specifically requested to report for an interview in connection with an application or referral through the centralized referral system for a position at the same activity. Even if the interview is at another Army activity, leave is not charged for the time required to make the trip for the interview. This also applies when competition is for a position within the Department of Defense.

d. For any placement interview scheduled for the employee by the civilian personnel officer, where the activity is scheduled for closure or major RIF and the employee has received a notice of a change to lower grade or separation. Such a placement interview may be with another Federal agency, a local organization, or a private business concern in the commuting area. Except as provided above, absence for placement interviews is charged to annual leave or LWOP.

10-8. Holiday Observance

a. Legal Holidays. Employees are excused from duty on all Federal legal holidays unless their services are required to carry out essential operations. Any unauthorized absence during a holiday on which the employee was scheduled to

work will result in loss of pay for that day and may be the basis for a disciplinary action. Employees receiving annual premium pay under 5 U.S.C. 5545(c)(1) may be excused without charge to leave on holidays when it is administratively determined that their services are not required on a particular holiday. When an employee's services are administratively required on a holiday but the employee is granted the day off for personal reasons, the employee is charged annual or sick leave, as appropriate.

Determining Holidays.

(1) For purposes of pay and leave, the day to be treated as a holiday is determined in accordance with Executive Order 11582, 11 February 1971.

(a) When a holiday falls on a workday, that workday is the holiday.

(b) When a holiday falls on the first nonworkday of a 2-day nonwork period, the preceding workday will be observed "in lieu of" the holiday.

(c) When the holiday falls on the second nonworkday of the 2-day nonwork period, the next regular workday will be observed "in lieu of" the holiday. EXCEPTION: When the 2-day nonwork period is Sunday and Monday and the holiday falls on Monday, the day observed "in lieu of" the holiday is the proceeding workday, i.e., Saturday.

(d) If the holiday falls on the first part of a workday which consists of portions of 2 calendar days, that entire workday is the holiday.

(e) When a full-time employee has three consecutive nonworkdays off and a fourth nonworkday following rules shall apply in designating the holiday. When the holiday falls on the second nonworkday, the preceding workday shall be designated as the "in lieu of" holiday. When the holiday falls on the third nonworkday, the workday shall be designated as the "in lieu of" holiday. When the holiday falls on one of these nonworkdays, the workday shall be designated as the "in lieu of" holiday. When the holiday falls on the first or second nonworkday, the workday shall be designated as the "in lieu of" holiday.

(2) Part-time Employees. Although part-time employees are not covered by 5 U.S.C. 6103 (b) and Executive Order No. 11582 which authorize designated and "in lieu of" holidays for full-time employees, supervisors authorized to approve leave have the discretion to grant part-time employees administrative leave for those holidays falling within the part-time employee's regularly scheduled workweek. Shirley A. Lombardo, 63 Comp. Gen. 306 (1984). See also Part-time Employees, B-214156, 29 May 1984.

(3) Intermittent WAE Employees. Employees working on an intermittent basis may not be paid for holidays on which no work is performed.

c. Religious Observance. There shall be no discrimination on the basis of religion in the observance of religious holidays. As far as practicable, employees shall be permitted to observe religious holidays and charge the same to annual leave or LWOP. If circumstances permit, work schedules may be rearranged to provide substituted work time for the employee who may also receive compensatory time off, in lieu of annual leave, when the employee performs compensatory overtime work off, in lieu of annual leave, when the employee abstains from work during the observance of religious holidays. An employee may work such compensatory time off. The employee shall be paid within a reasonable time. Any compensatory time off shall be accumulated at the time of separation, and shall be paid in cash, or in the form of compensatory balances, annual leave, or other benefits, at the discretion of the employer.

d. **State and Local Holidays.** State and local holidays are treated as regular workdays unless all or part of the activity is closed by administrative order because employees are actually prevented from working due to lack of transportation services, eating facilities, etc. Employees in closed activities cannot be charged leave for absence on that day. Employees working on state or local holidays receive only their regular pay and are not entitled to holiday

premium pay. If the activity remains open, as many employees as possible should be allowed to take leave on the holiday, depending on the type of operation, the workload, and the significance of the holiday.

10-9. Conferences or Conventions

a. Employees may be excused to attend conferences or conventions without loss of pay or charge to leave when it is determined that attendance will serve the best interests of the U.S. Government. Affirmative determinations should be reserved to those situations where an employee is designated as an official representative, or where a direct relationship between items on the agenda and the employee's official duty assignments make it necessary or desirable that he or she attend conferences or conventions in accordance with Joint Travel Regulation (JTR) C4500. Excused absence for this purpose cannot exceed 5 workdays per calendar year.

b. Excused absences may also be extended to employees who otherwise attend conferences and conventions at no expense to the Government (because of the fact that no travel is involved or sufficient funds are not available). This provision is not to be interpreted as authorizing reimbursement of registration fees and other expenses of attendance at conferences and conventions. Such payments are governed solely by the provisions of JTR C4708.

c. Employees may not be excused without a charge to leave to attend conventions or conferences which do not have a direct relationship to official assignments (e.g., meetings of employee or veterans' organizations), but leave for this purpose should be authorized to the maximum extent permitted by work conditions. Such absence may be charged either to annual leave or to LWOP.

d. Employees cannot be excused without a charge to leave to attend conferences or conventions of political parties or partisan political groups or committees.

e. Attendance and Union-Sponsored Training. Guidance concerning the excusal of employees in connection with activities of labor organizations including attendance at training conferences sponsored by them, is contained in the applicable provisions of collective bargaining agreements.

10-10 Absences in Connection with Travel

a. Permanent Duty Travel

(1) An employee may be authorized one advance round trip at Government expense to seek new residence quarters (house hunting trip) when changing permanent official duty stations within the continental United States. The JTRs specify that the period of the trip at Government expense may not exceed 10 calendar days, including travel time, and that the employee will be in duty status during the authorized period. If the trip to seek a new residence exceeds 10 calendar days, the employee must request leave to cover any additional absence.

(2) When the Agency has authorized a house hunting trip for an employee, the employee's spouse (if also an Army employee) may be excused from duty without a charge to leave for the trip (AR 690-990-2, Book 630, S11-5).

(3) In addition, an employee is not charged leave for any absence necessary to comply with requirements imposed in connection with a permanent change in duty station. The employee may be excused without charge to leave for a reasonable time to make personal arrangements and to transact personal business directly related to the permanent change in duty station, provided that such business or arrangements cannot be transacted outside regular working hours. This includes such things as making arrangements for the packing and unpacking of household goods and obtaining driver's license and auto tags. For an assignment to or return from overseas employment, this also includes absence to obtain required physical examination, vaccination and inoculation, passport, or to comply with other special requirements imposed because of the overseas

assignment, including receipt of travel orders. An employee required to report to another activity to comply with overseas processing requirements is not charged leave for any absence necessary to make the trip.

(4) When a privately owned vehicle (POV) is authorized or approved for permanent duty travel, travel time for salary payment purposes is computed on the basis of 350 miles a calendar day. Any time in excess of the computed number of days which falls within the employee's regularly scheduled basic workweek is charged to leave. No charge is made to leave if an employee arrives at the new duty station before the reporting date, computed on the basis of 350 miles of travel a calendar day.

b. Temporary Duty Travel (TDY).

(1) When a POV is authorized or approved as being advantageous to the Government for TDY, the employee is considered in travel status, without charge to leave, during the actual time required to travel. Any excess time required because of a delay enroute or circuitous routing specifically determined to be for the employee's convenience is deducted from the total elapsed time.

(2) When an employee is allowed to use his or her POV for his or her own convenience on TDY, he or she is authorized only such travel time as required for the scheduled travel by common carrier or usual mode of transportation that otherwise would be required. Any time in excess of this period which falls within the employee's scheduled basic workweek is charged to leave.

(3) When an employee is authorized to travel on TDY by commercial carrier during regularly scheduled hours, supervisors may excuse the employee for up to 2 hours without charge to leave.

(4) When it is not possible or reasonable to reschedule an employee's duty or travel time and regular scheduling would require the employee to travel and/or serve in a duty status for more than 16 hours, the employee may be excused without charge to leave or loss of pay for a reasonable time to recuperate from fatigue or loss of sleep. In determining the time to be allowed, the adverse effect on work performance, health, or well being, and any safety hazard which might result from working while fatigued, should be considered. Excusal under this authority will not normally exceed 4 hours.

10-11. Off-the-Job Training During Regularly Scheduled Duty Hours

a. No charge is made to leave for off-the-job training whether conducted on or off the installation which is approved and is directly related to the employee's present official duties, or those which the employee could reasonably be expected to perform in the future and which is paid for from Army funds.

b. No charge is made to leave for off-the-job training whether conducted on or off the installation which is directly related to the employee's present official duties if the employee could reasonably be expected to perform in the future if training is approved and paid for from Army funds. No charge is made to leave when the employee pays all expenses for training.

c. Training taken by an employee on personal initiative for personal advancement must either be taken outside of scheduled duty hours or during periods of approved leave or LWOP.

10-12. Military Funerals

a. An Army civilian employee who is a veteran of the Armed Forces and who participates as a pall bearer or a member of an honor guard at a funeral for a member of the Armed Forces who lost his or her life on active duty, may be excused from duty without charge to leave, but not to exceed 4 hours in 1 day.

b. An employee shall be excused from duty without a charge to leave for up to 3 days to make arrangements for or to attend the funeral or memorial service.

of an immediate family member who died as the result of wounds, disease, or injury incurred while serving in the Armed Forces in a combat zone (5 U.S.C. 6326).

10-13. Absence Resulting from Hostile Action Abroad. A civilian employee who is injured as the result of war, insurgency, mob violence, or similar action while serving abroad is not charged leave for absence up to 1 year resulting from the injury (5 U.S.C. 6325). The injury must not have been the result of vicious habit, intemperance, or the willful misconduct of the employee.

10-14. Civil Defense Activities. Employees who participate in federally recognized civil defense programs not included below may be excused for a reasonable amount of time at the discretion of the supervisor.

a. Employees given special assignments in connection with the responsibilities of the Department of the Army under the National Civil Defense Program, whether or not such assignments are at or away from their regular posts of duty, are to be considered in a duty status during the period(s) covered by such assignments.

b. Employees who have volunteered and have been selected for civil defense assignments may be excused from duty without a charge to leave for participation in the program of a state, or of any political subdivision thereof, or for training prior to an emergency in the performance of civil defense duties. Such employees will remain subject to the administrative control of the employing activity, will not be assigned to the civil defense training for more than a total of 40 hours during a calendar year, and when assigned, will continue in their status as Federal employees for all purposes. To the extent that funds are available, where travel is necessary in connection with the performance of such training duties, travel allowances and expenses may be authorized at the discretion of the supervisor. The supervisor may release employees for such training when the criteria established below are met:

(1) It is determined that employees can reasonably be expected to be available in the event of an emergency for civil defense activities for which trained.

(2) The employees can be spared from their regular duties for the training.

(3) There is satisfactory evidence from state or local civil defense authorities that the participation of such employees in the training has been requested by a public governmental body or organization established in accordance with a state civil defense law. Appropriate certification will be required to ensure that assigned training has been properly performed.

10-15. Emergency Rescue or Protective Work. An employee who can be spared without interference to essential operations or obligations may be excused to participate as a volunteer in emergency rescue or protective work during an emergency such as fire, flood, or search operation. Normally, such participation is limited to a maximum of five workdays per year. An employee may not be excused from duty without charge to leave for the purpose of performing rescue duty which would otherwise be covered by military leave. (See chapter 6.)

a. Employees called to emergency duty as members of the Civil Air Patrol or a similar organization are excused without charge to leave. After 5 workdays, any further absence is charged to available annual leave or LWOP.

b. Except as authorized above, employees participating in emergency rescue or protective work must be charged leave or carried in a nonpay status for the total period of absence.

10-16. On-the-Job Injuries. An employee injured in the performance of his or her duties will be considered in a duty status and will receive pay without charge to leave for the time required to obtain emergency treatment to the extent that the time falls within his or her prescribed hours of work for that day.

10-17. Draft Registration. In accordance with a proclamation of the President all employees of the Department of the Army will be excused without charge to leave or loss of pay for the time spent in registering for military duty in accordance with any general statute requiring such registration. Where registration is not required on any particular day, employees should arrange to register on a nonworkday if possible. Excused absences for this purpose generally will not exceed 4 hours and may not exceed 1 day, including necessary travel time to and from the place of registration.

10-18. Adverse Actions, Grievance, Appeals, and Discrimination Complaints. Employees are allowed reasonable amounts of official time for preparing and presenting replies to notices of proposed adverse action, getting information and material from official sources pertinent to the grievance, appeal, and for presenting a grievance to management officials. Employees who attend third party hearings as participants or witnesses are on duty time. Government employees who are officially designated as representatives may be allowed reasonable amounts of duty time to assist employees in these activities. Duty time is granted only to employees who are otherwise in a duty status.

10-19. Absence for Congressional Medal of Honor Holders. When all Congressional Medal of Honor holders are invited, employees who are Medal of Honor holders shall be excused without charge to leave for sufficient time to attend or participate in events such as:

- Inaugurations of the President of the United States
- b. Conventions of the Congressional Medal of Honor Society.
- c. Memorial Day or Veteran's Day services.

10-20. Federal Wage System Operation

a. All members of local wage survey committees, while performing committee duties, and all data collectors, while performing duties connected with the data collection function, are to be considered as on official assignments to the interagency function.

b. For testifying at hearings provided by the local wage survey committee, excused absence without charge to leave may be granted for a limited number of representatives of local labor organizations which have exclusive recognition for wage employees in the wage area and which wish to present facts or views on the wage survey. Unless otherwise provided in a negotiated agreement, a limit of one representative for each such labor organization at a given installation normally will be considered adequate to present the views of that organization. Additional representatives of the organization may be permitted to testify but normally will not be granted excused absence without charge to leave in order to do so, unless their presence as witnesses has been requested by the wage survey committee. Time off for testifying by other employees will be charged to annual leave or LWOP.

c. Excused absence without charge to leave for a short period of time (ordinarily not to exceed 8 hours) may be granted to permit the training and indoctrination of labor organization representatives, including local organization principal officers, labor organization members of local wage survey committees, and organization-nominated data collectors on Federal Wage System policies.

10-21. Parades, Ceremonies, and Civic Activities. Employees may be excused to attend officially authorized parades and ceremonies, or civic activities consistent with the prevailing practice in the local area. Employees in a leave status immediately prior to or following such a period will be charged leave for the entire period.

10-22. Daylight Savings Time. Employees who work the night shift on the last Sunday in April when clocks are set ahead for daylight savings time may not be

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allowed 1 hour of administrative leave at the end of the shift to fulfill the requirement that they work 8 actual hours. Employees may be allowed to work 1 hour beyond the end of their shift [57 Comp. Gen. 429 (1978)] or use 1 hour of leave to be paid for 8 hours of duty.

CHAPTER 11
VOLUNTARY LEAVE TRANSFER PROGRAM

11-1. Purpose. To establish procedures for a voluntary leave transfer program under which the accrued annual leave of one Federal employee may be transferred for use by another Federal employee who needs such leave because of a medical emergency.

11-2. Applicability. The p policy are applicable to all
appropriated fund employees Directorate of Civilian Personnel,
Fort Sill, OK.

11-3. Definitions

a. "Leave Donor" means an employee whose voluntary written authorization for transf of annual leave to the annual leave account of a leave recipient is approved b his or her own employing agency.

b. "Leave recipient" means a current employee for whom the employing agency has approved an application to receive annual leave from the annual leave accounts of one or more leave donors.

c. "Medical emergency" means a medical condition of an employee or a family member that is likely to require an employee's absence from duty for a prolonged period of time (at least 80 hours) and to result in a substantial loss of income to the employee because of the unavailability of paid leave.

d. "Family member" means the following relatives of the employee:

- (1) Spouse, and parents thereof
- (2) Children, including adopted children, and spouses thereof
- (3) Parents.
- (4) Brothers and sisters, and spouses thereof.
- (5) Any individual related by blood or marriage whose close association with the employee is the equivalent of a family relationship.

e. "Transferred leave status" means the administrative status o employee while the employee is using the transferred leave.

f. "Agency" means the Department of Army.

11-4. Application to Become a Leave Recipient

a. An employee who has been affected by a medical emergency as defined in paragraph 11-3c may submit written application to his or her immediate supervisor to become a leave recipient. Employees incapable of making application may have an employee of the same employing activity make applications on his or her behalf. However, prior to making such application, written authorization must be obtained from a member of the incapacitated employee's immediate family, or in the alternative, from a person officially designated to act on his or her behalf.

b. Each application must include the following information in order to be approved:

- (1) Name, social security number, position title, organization, and grade of the potential leave recipient.
- (2) Name, title, and telephone number of immediate supervisor
- (3) The reasons why transferred leave is needed, including a brief description of the nature, severity, anticipated duration of the medical

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applicat

office servicing the recipient to credit the recipient's medical emergency leave account.

11-8. Use of Transferred Annual Leave.

a. Transferred leave may be substituted retroactively for LWOP or to liquidate an indebtedness for advanced annual or sick leave granted in conjunction with the medical emergency, provided the emergency still exists

b. Transferred annual leave may not be--

(1 Transferred to another leave recipient.

(2) Transferred to another Federal agency if the leave recipient transfers his or her employment.

(3) Included in a lump-sum payment or made available for recredit upon reemployment in a Federal agency.

(4) Substituted for periods of AWOL

11-9. Accrual of Annual and Sick Leave

a. The maximum amount of annual and sick leave a leave recipient may accrue while in a transferred leave status may not exceed 40 hours annual and 40 hours sick leave (or, in the case of a part-time employee or an employee with an uncommon tour of duty, the average number of hours of work in the employee's weekly scheduled tour of duty).

b. Any annual or sick leave accrued by an employee in excess of 40 hours while in a transferred leave status will be credited to the employee as accrued but will not be available for use until the medical emergency terminates. If the medical emergency terminates because the employee leaves the Federal service, no accrued leave will be credited to the employee's account.

11-10. Monitoring the Status of the Medical Emergency. The leave recipient's supervisor is responsible for monitoring the status of the medical emergency of a leave recipient assigned to him or her. While the extent of the monitoring will be determined on a case-by-case basis, as a minimum, the supervisor will communicate with the leave recipient (or someone acting on behalf of the leave recipient) at least once during each pay period to ascertain the status of the medical emergency. Medical documentation may be requested to determine that the medical emergency continues to exist.

11-11. Termination of Eligibility to Use Transferred Leave.

Eligibility to use transferred leave will terminate when:

(1 The leave recipient's employment is terminated

(2) The leave recipient's employing agency receives notice that the Office of Personnel Management has approved an application for disability retirement.

(3) The leave recipient's immediate supervisor receives written notice from the leave recipient or from a personal representative of the leave recipient that the leave recipient is no longer affected by a medical emergency.

(4) The leave recipient's immediate supervisor determines, after written notice and opportunity for the leave recipient (or, if appropriate, a personal representative of the leave recipient) to answer orally or in writing, that the leave recipient is no longer affected by a medical emergency.

b. When the supervisor determines that the medical emergency has terminated, he or she will immediately notify MER Branch, DCP, telephonically with followup in writing. The MER Branch will then notify the appropriate civilian pay office(s) telephonically with follow up in writing.

c. Once the medical emergency terminates, no further requests for transfer of annual leave may be granted for that particular medical emergency.

11-12. Restoration of Transferred Annual Leave.

a. As prescribed in 5 CFR, Part 630, Section 630.911, any transferred leave remaining to the credit of a leave recipient when the medical emergency terminates, shall be returned on a prorated basis to the accounts of the leave donors.

b. At the election of the leave donor, unused transferred annual leave restored to the leave donor may be restored by:

(1) Crediting the restored annual leave to the leave donor's annual leave account in the current leave year.

(2) Crediting the restored annual leave to the leave donor's annual leave account effective as of the first day of the first leave year beginning after the date of election.

(3) Donating such leave in whole or part to another leave recipient. If leave donor elects to donate only part of the restored leave to another recipient, the donor may elect to have the remaining leave credited to his or her annual leave account.

11-13. Prohibition of Coercion. An employee may not directly or indirectly intimidate, threaten, or coerce any employee for the purpose of interfering with any right such employee may have with respect to donating, receiving, or using annual leave in connection with this program.

APPENDIX A
REFERENCES AND FORMS

A-1. REFERENCES

5 USC Chapter 35
55
61
63
38 USC 2024
EO 5396
5 CFR Part 353
610
630
JTR Volume II
FPM Chapter 620
FPM Chapter 630
FPM SU 990-2
AR 40-5
AR 690-990-2
DOD SU 990-2

A-2. FORMS

SF 71 (Application for Leave)
SF 1150 (Record of Leave Data)
FS 863 (Attendance Record)
FS 962 (Time and Attendance)

APPENDIX B
GLOSSARY

Leave Year. The period beginning with the first day of the first complete pay period in a calendar year, and ending with the day immediately before the first day of the first complete pay period in the following calendar year.

Absence Without Leave (AWOL). An absence from duty which was not authorized or for which leave has been denied. Neither the denial of leave nor the time and attendance reporting of AWOL is punitive, and neither means that the employee has insufficient reason for requesting leave. Rather, it means that the employee's presence was required and that the reason for requesting it was not one for which leave could be approved. The employee's failure to honor the leave denial and the unauthorized absence may be the basis for disciplinary or adverse action.

Accrued Leave. Leave earned by an employee during the current leave year that is unused at any given time in that leave year.

Accumulated Leave. Unused leave remaining to the credit of an employee at the beginning of a leave year.

Contagious Disease. A disease which is ruled as subject to quarantine, requires isolation of the patient, or requires restriction of movement by the patient for a specified period, as prescribed by the state or county public health authorities having jurisdiction. Childhood diseases such as measles and chicken pox that require isolation meet this definition.

Leave Without Pay (LWOP). A temporary status and absence from duty granted upon the employee's request. Except where specifically authorized by law or this regulation as a matter of right, granting leave without pay is a matter of administrative discretion. The fact that it is a scheduled absence requiring approval distinguishes it from absences without leave which is an absence without permission that may serve as the basis for disciplinary action.

Break-In-Service. A period of one workday or more when an employee is not on the Government rolls.

Medical Documentation. A written statement signed by a registered practicing physician or other practitioner certifying to the incapacitation, examination, treatment, or to the period of disability while the patient was receiving professional treatment.

(ATZR-XPM)

FOR THE COMMANDER:



MARSHALL R. MCREE
Colonel, FA
Chief of Staff

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